Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

Mortgage security in general is not deemed to come within any branch of the statute of limitations; *Union Bank of Louisiana v. Stafford,* 12 How. 340; *Heyer v. Pruyn,* 7 Paige (N. Y.) 465, overruling *Jackson v. Sackett,* 7 Wend. (N. Y.) 94, although this rule does not obtain in a few of the western States. *Lord v. Morris,* 18 Cal. 482. The power of sale granted the mortgagee does not affect the security principle involved. The condition must be satisfied. *Joy v. Adams,* 26 Maine 333. In *David v. Maynard,* 9 Mass. 242, and *Lockwood v. Sturdevant,* 6 Conn. 388, notes were barred by the statute while foreclosure on the mortgage securing them was allowed. But see *contra Hutaff v. Adrian,* 112 N. C. 259, on which the vigorous dissenting opinions are based.

PAYMENT—NOTE.—WEBB ET AL. V. NAT. BANK OF THE REPUBLIC, 72 PAC. 520 (KAN.).—*Held,* that the taking of a note from a debtor or a third person for a pre-existing debt is not payment, unless it is expressly agreed to accept such note as payment.

Certain courts dissent from the view. *Thacher v. Dinsmore,* 5 Mass. 299. They reason that it makes possible a twofold payment of the debt. *Smith v. Bettger,* 68 Ind. 254. But the weight of authority supports it. *Peter v. Beverly,* 10 Pet. 532. At the least it works a suspension of the creditor's remedy for the duration of the note. *Cox v. Keiser,* 15 Ill. App. 432. Under either view the rule states merely a rebuttable presumption. *Bunker v. Barron,* 79 Me. 62; *Story, Prom. Notes,* sec. 104. And in all jurisdictions the creditor may agree that the note shall constitute payment. *Seltzer v. Coleman,* 32 Pa. St. 493. In this case the original debt is extinguished. *Hoopes v. Strasburger,* 37 O. St. 390. It revives, however, if there is fraud in procuring the acceptance of the note; *Susquehanna Co. v. White Co.,* 66 Md. 444; or if it is worthless. *Fleig v. Sleete,* 43 O. St. 53.

PRISON RECORDS—PHOTOGRAPHS—MEASUREMENT OF CRIMINALS—MANDAMUS.—IN RE MOLINEUX, 83 N. Y. SUPP. 943.—This was an application for mandamus to compel the State Superintendent of Prisons to surrender certain photographs and measurements taken of the relator while imprisoned as a State convict. The relator, upon a new trial, was acquitted. *Held,* that mandamus did not lie.

The opinion of the court was based on the rule that mandamus will only lie to compel a State official to perform a duty imposed on him by State laws, which did not cover this case, and also on the ground of public convenience. The same question has been considered before in the same state and a like conclusion reached. *People, ex rel. v. York,* 59 N. Y. Supp. 418; *Owen v. Partridge,* 82 N. Y. Supp. 248. The decision is in line with the previous tendency of the courts of New York and other States to restrict redress for invasion of the right of privacy. As the case of *Roberson v. Rochester Folding Box Co.,* 171 N. Y. 538, where the court of appeals denied an injunction to restrain the unauthorized use of photographs for advertising purposes. The violation of individual rights in such cases was, however, further prevented by an act passed at the last session of the State legislature and it would seem that such legislative interference should be extended to protect innocent persons whose likeness and measurements have been placed in the so-called "rogues' gallery" because of former conviction. See "Comment" in this issue.